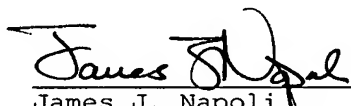




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PATENT--NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	) I hereby certify that this
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For: METHOD AND MACHINE FOR	) Commissioner for Patents
PRODUCING A PACKAGE OF TOBACCO	) P.O. Box 1450
ARTICLES COMPLETE WITH A FOLDED	) Alexandria, VA 22313-1450
COUPON	)
	) Dated: October 27, 2004
Attorney Docket No. 20022/39789.	)
	)
Group Art Unit: 3721	) 
	) James J. Napoli
Examiner: John Sipos	) Registration No. 32,361
	) Attorney for Applicants

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated October 8, 2004, applicants hereby elect the invention and species represented by the claims of examiner's Group III, namely, claims 19 through 28 inclusive, with traverse, for examination on the merits at this time. It is submitted, however, that all claims 1 through 28, and at least claims 11-28, should be examined at this time. The novelty of the invention is defined in the claims of Groups I, II, and III, which are not three independent and distinct inventions because the statutory requirements of 35 U.S.C. §121, namely, independence and distinctness, are not present herein.

Although the claimed subject matter may be classified in different classes or subclasses, the inventions are not independent because the method set forth in claims 1 through 10, and the machine set forth in claims 11 through 28, are so closely related that a search for applicants' machine claims would necessarily encompass a search for applicants' method claims.

In addition, even if the inventions are considered independent, there is no evidence that a search and examination directed to all claims would be a *serious burden* on the examiner, as is required by M.P.E.P. §803. In this case, the examiner has not provided any information with respect to the class/subclass of Groups I, II, and III. Therefore, a search directed to the claims of Group III may well encompass the subject matter of the claims of at least examiner's Group II. ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." and "There must be a serious burden on the examiner if restriction is not required.")

In particular, it is submitted that a complete search directed to the subject matter of the machine claims of examiner's Group III would require a search directed to at least the subject matter of all machine claims 11-28, and vice versa.

Because search and examination of at least all machine claims can be made without serious burden on the examiner, it would be wasteful of the time, effort, and resources of both the applicants and the Patent Office to prosecute the method and machine

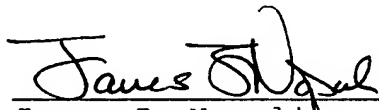
claims in three separate applications. Search and examination of all three groups of claims, and at least all machine claims, in a single application would be much more efficient than requiring the Patent Office and applicants to do so in three separate applications. Accordingly, it is submitted that all claims should be examined at this time.

Reconsideration and withdrawal of the restriction requirement are respectfully requested. An early action of the merits on all claims is solicited.

Respectfully submitted,

**MARSHALL, GERSTEIN & BORUN LLP**

By



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October 27, 2004